

New York State Green Procurement Program Response to Comments on Proposed Specification on 'Appliances'

Background: The proposed new specifications for 'Appliances' were first considered by the Interagency Committee in April 2021 and tentatively approved for public comment. Based on the comments received during the 2021 public comment period, the following information was gathered, and recommendations are described below.

Commenting Entities: Comments were received from the Sierra Club Atlantic Chapter, the New York Sustainable Business Council (NYSBC), Kristen Taddonio from the Institute for Governance & Sustainable Development, and Clean and Healthy New York.

Issues Raised by the New York Sustainable Business Council (NYSBC)

Toxic chemicals in household appliances

Comments: NYSBC expressed concern about seeing no mention of toxic chemicals often found in household appliances and encouraged that the taskforce amend these specifications to express a strong preference for appliances and commercial equipment without flame retardants, phthalates, formaldehyde, hydrofluorocarbon, and other toxic chemicals whenever practicable. Specifically, they requested: 1) an encouragement to buy RoHS compliant goods and 2) a requirement that the bidders disclose whether they are compliant.

Response: Held joint conference call with representatives from NYSBC and Clean and Healthy NY on 10/22/21 to discuss comments in further detail, as well as a conference call on 11/19/21 with OGS, DEC and NYSERDA. Following the conference call, outreach was conducted to Todd Gardner, former head of the Green Procurement Division at OGS regarding request #2, above. OGS indicated that it does not currently collect RoHS information on their contracts from bidders and doing so would create an unnecessary administrative burden.

Recommendation:

- 1) We have incorporated an encouragement to buy RoHS compliant goods in all appliance specs.
- 2) We will not be expanding the specs to make bidder disclose about RoHS compliance in OGS contracts required.

Issues raised by Clean and Healthy New York

Toxic Chemicals in Household Appliances

Comments: Clean and Healthy New York expressed concern about seeing no mention of toxic chemicals often found in household appliances and encouraged that the taskforce amend these specifications to express a strong preference for appliances and commercial equipment without flame retardants, phthalates, formaldehyde, hydrofluorocarbon, and other toxic chemicals whenever practicable. Specifically, they requested: 1) an encouragement to buy RoHS compliant goods and 2) a requirement that the bidders disclose whether they are compliant.

Response: Held joint conference call with representatives from NYSBC and Clean and Healthy NY on 10/22/21 to discuss comments in further detail, as well as a conference call on 11/19/21 with OGS, DEC and NYSERDA. Following the conference call, outreach was conducted to Todd Gardner, former head of the Green Procurement Division at OGS regarding request #2, above. OGS indicated that it does not currently collect RoHS information on their contracts from bidders and doing so would create a hardship.

Recommendations:

- 1) We have incorporated an encouragement to buy RoHS compliant goods in all appliance specs.
- 2) We will not be expanding the specs to make bidder disclose about RoHS compliance in OGS contracts required.

Issues raised by the Sierra Club Atlantic Chapter

Toxic chemicals in household appliances

Comments: Sierra Club expressed concern about seeing no mention of toxic chemicals often found in household appliances and encouraged that the taskforce amend these specifications to express a strong preference for appliances and commercial equipment without flame retardants, phthalates, formaldehyde, hydrofluorocarbon, and other toxic chemicals whenever practicable.

Response: Contacted Caitlin Ferrante from Sierra Club Atlantic Chapter on 10/12 to set up a meeting to further discuss their comments. Upon receipt of an out-of-office reply, a follow up email was sent to both Roger Downs and Elizabeth Ahearn, both employees of Sierra Club Atlantic Chapter, on 10/12 to set up a meeting. No response was received.

Recommendation: As the comments from Sierra Club outlined the same concerns as NYSBC and Clean and Healthy New York, the recommendations are the same as what is listed above.

Issues Raised by Kristen Taddonio, Institute for Governance & Sustainable Development

Super Pollutant Hydrofluorocarbon refrigerants and foams

Comments: Taddonio notes that if the specification does not forbid super pollutant hydrofluorocarbon refrigerants and foams in specifications for products like refrigerators, freezers, and other devices, someone using the specs could accidentally buy products that are bad for the climate and illegal in the state. Taddonio recommends including the following lines: *“Products must use a low-global warming potential refrigerant and/or foam blowing agents in compliance with 6 NYCRR part 494 Hydrofluorocarbon Standards and Reporting”*

Response: Held conference call with Kristen on 10/18/21 to discuss comments in further detail. Kristen recommended new language, which was approved by DEC (Suzanne Hagell). The agreed upon language is as follows: All affected entities shall avoid purchasing refrigerators and freezers that use refrigerants that are prohibited for those end-uses in 6 NYCRR Part 494. Wherever possible, entities should select equipment with the lowest GWP refrigerant possible, including the natural refrigerants R-290, R-600a, and R-744.

Recommendation: This language has been incorporated into all specifications with refrigerants, including Commercial Ice Machines, Commercial Refrigerators and Freezers, Residential Freezers, and Residential Refrigerators.

New York State Green Procurement Program Response to Comments on Proposed Specification on 'Air Purifiers'

Background: The proposed new specification for 'Air Purifiers' was first considered by the Interagency Committee in 2021 and tentatively approved for public comment. Based on the comments received during the 2021 comment period, the following information was gathered, and recommendations are described below.

Commenting Entities: Comments were received from the Healthy Schools Network

Issues raised by Healthy Schools Network

Ozone-Producing electronic air cleaners

Comments: Healthy Schools Network strongly opposes the standard for air purifiers. US EPA is active in this field, beyond just Energy Star. Specifically, EPA cautions against ozone-producing electronic air cleaners and this specification does not do that, nor does it reference EPA guidance on air cleaners. Please withdraw the specification, correct, and republish as a draft, and visit the EPA web portal on air cleaning devices. <https://www.epa.gov/indoor-air-quality-iaq/air-cleaners-and-air-filters-home>

Response: Ryan Moore from NYSERDA had a phone call with Claire Barnett from the Healthy Schools Network on 11/10/21. Ryan explained that Energy Star Air Purifiers DO NOT allow for any purifiers that emit ozone. After the conversation, we received an email from Claire with the following comment: "I am withdrawing my comment on "air purifiers" based on your information (Ryan Moore at NYSERDA) that EPA's Energy Star rating precludes an approval rating on devices with ozone emissions. "

Recommendations: Claire has withdrawn her comments. Therefore, we feel that the spec language is adequate, as is. Energy Star certified air purifiers do not produce any ozone.